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In re Application of YOSHIOKA et al :
U.S. Application No.: 09/937,628 :
Int. Application No.: PCT/JP00/00426 :
Int. Filing Date: 27 January 2000 :
Attorney Docket No.: 21900/0039 :
For: EMERGENCY COMMUNICATION SYSTEM :

DECISION

This is in response to applicant's "Petition" filed 09 May 2002.

BACKGROUND

On 27 January 2000, applicant filed international application PCT/JP00/00426. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 27 September 2001.

On 27 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, a Transmittal Letter and the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 October 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 November 2001, applicant filed an executed declaration.

On 20 March 2002, this Office mailed a communication which identified a discrepancy between the Transmittal Letter and the declaration.

On 09 May 2002, applicant filed the present petition. The \$130.00 petition fee will be charged to Deposit Account No. 22-0185 per applicant's authorization.

DISCUSSION

The declaration filed 20 November 2001 identifies international application PCT/JP00/00427 as the specification to which it is directed, while the Transmittal Letter identifies international application PCT/JP00/00426.

The petition states that the declaration for the present application was erroneously included with papers submitted for U.S. Application Number 09/937,621 on 20 November 2001. A review of both the present application file and the 09/937,621 application file reveals that the proper declaration for the present application is contained in the 09/937,621 application file. Applicant's explanation for the error is accepted. The declaration has been placed in the proper application file.

CONCLUSION

For the reasons above, the petition is GRANTED.

The application has an International Filing Date of 27 January 2000 and a date under 35 U.S.C. 371 of 20 November 2001.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision.



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